



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 19 2018

OFFICE OF THE
ADMINISTRATOR

Margaret Weichert
Acting Director
U.S. Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

Dear Ms. Weichert:

The U.S. Environmental Protection Agency is requesting an exception to the Qualifications Review Board case processing moratorium for Karin Koslow for the position of Deputy Director in the Office of Civil Enforcement in the Office of Enforcement and Compliance Assurance (OECA). Ms. Koslow is not currently a Schedule C or noncareer Senior Executive Service (SES) appointee. She is currently acting in an SES position in the EPA's Office of General Counsel (OGC).

The Deputy Director position in the Office of Civil Enforcement (OCE) is a critical one for the agency. The Office of Civil Enforcement leads the national regulatory enforcement program for the agency. The Office develops and implements national enforcement policy in order to ensure that the agency consistently enforces all of the environmental statutes (with the exception of the Comprehensive Environmental Response, Compensation, and Liability Act or CERCLA) and the associated regulations. In addition, the Office provides leadership to carry out shifts in policy directed by agency senior leadership. Given the breadth of the Office's portfolio and the high-profile nature of many of the issues, the Deputy Director takes leadership roles on certain issues, in addition to acting for the Director in her absence. For example, the Deputy Director has led the Office's effort to ensure that, despite declining resources, all environmental statutes have some level of compliance monitoring and enforcement nationwide. The Deputy Director also leads the Office's effort to ensure the laws are fairly and consistently enforced in Indian Country. In addition, the Deputy Director leads the operations work for the Office, including ensuring that the agency's enforcement resources flow to the most significant environmental enforcement work and that those funds are efficiently and effectively spent. The EPA Lean Management System (ELMS) work is also of significant importance to OCE. The Deputy Director will lead the shift to measuring the correction of violations for administrative and informal actions, as the Director continues to focus on leading the agency's effort to ensure timely resolution of civil judicial cases.

Ms. Koslow's work experience and her narratives addressing the Executive Core Qualifications and the technical qualifications demonstrate her superior qualifications, which will ensure she will be successful in the OCE Deputy Director position. Ms. Koslow possesses a wide range of

management experience in several offices within the agency. Her exceptional accomplishments in each of the positions she has held demonstrate her thorough understanding of how to lead people to accomplish the important work of the agency. In addition, through her leaderships roles in OECA, Ms. Koslow consistently demonstrated her knowledge of the OECA organization and her ability to lead people who were working to resolve difficult enforcement and compliance problems to successful results. Ms. Koslow is a leader who could without question address any challenges the organization may face while continuing to improve the effectiveness of our compliance and enforcement programs.

Ms. Koslow has more than 15 years of experience in a variety of leadership positions throughout the EPA. These varied experiences have given her a unique understanding of the agency's work and mission. Throughout her career, she has navigated a multitude of environmental and legal issues covering a broad range of environmental programs, including CERCLA, Resource Conservation and Recovery Act, Toxic Substances Control Act, Safe Drinking Water Act, Oil Pollution Act, and tribal issues generally. In these roles, Ms. Koslow has worked closely with federal and tribal stakeholders to resolve numerous complex problems, successfully using her superior interpersonal skills to develop networks across offices. She is accomplished in leveraging resources to obtain real results despite reduced staffing. In addition, because Ms. Koslow has served in a number of offices within OECA, she has a thorough understanding of the tools available to resolve difficult environmental compliance problems. She is creative in her use of those tools, always looking for the most efficient, effective way to resolve an issue.

Throughout her management career, Ms. Koslow has consistently demonstrated her ability to lead change, lead people, build coalitions, and use her business acumen to achieve significant results. As Deputy Associate General Counsel for the Cross-Cutting Issues Law Office, Ms. Koslow led the development of OGC's measures. This effort was extraordinarily challenging for an office that had not traditionally measured its work. Ms. Koslow now manages a cross-office team as part of overseeing OGC's measurement work and is the OGC Senior Manager responsible for preparing her colleagues for the monthly Business Review Meetings; developing the ELMS Assessment for OGC; and regularly reporting to the OGC Front Office management team about OGC's measurement results, upcoming obligations, and proposed future ELMS activities. Ms. Koslow also provided exceptional leadership in implementing the historic settlement with the Bureau of Indian Affairs which required BIA not only to comply with a number of laws that it had violated at schools throughout Indian Country but also to implement an environmental management system to ensure compliance in the future. In addition, Ms. Koslow successfully led an effort to expand the scope of the multi-agency Infrastructure Task Force (ITF) to include solid waste issues. With this expansion in scope, the ITF could bring resources and expertise from across the federal government to address the very real problem of lack of funding for waste management services in Indian Country.

The impact of not filling Deputy Director position during the moratorium is severe. The lack of a permanent deputy director impacts the ability of OCE to do the work that the deputy is responsible for due to the lack of continuity. In addition, it is difficult for the Office to be proactive; for example, identifying areas where additional guidance would be useful to ensuring certainty for the regulated community and to making our enforcement work more efficient

through the development of model documents which would allow us to better streamline processes. Enforcement issues are frequently of significant concern to the regulated community and the public. Members of Congress also frequently raise enforcement matters to the Administrator. It is important that the functions of OECA are carried out smoothly and filling this position is imperative to achieve that result.

We are requesting this exemption because the position of the Administrator of the EPA became vacant earlier this year. The President has asked me to take over the duties as Acting Administrator for the foreseeable future.

If you have any questions or need additional information, please contact Jeremy Taylor, director, Human Resources Management Division, at taylor.jeremy@epa.gov or (919) 541-0537 or Dorothy Carr, Lead Human Resources Specialist, at carr.dorothy@epa.gov or (919) 541-4356. We appreciate your attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

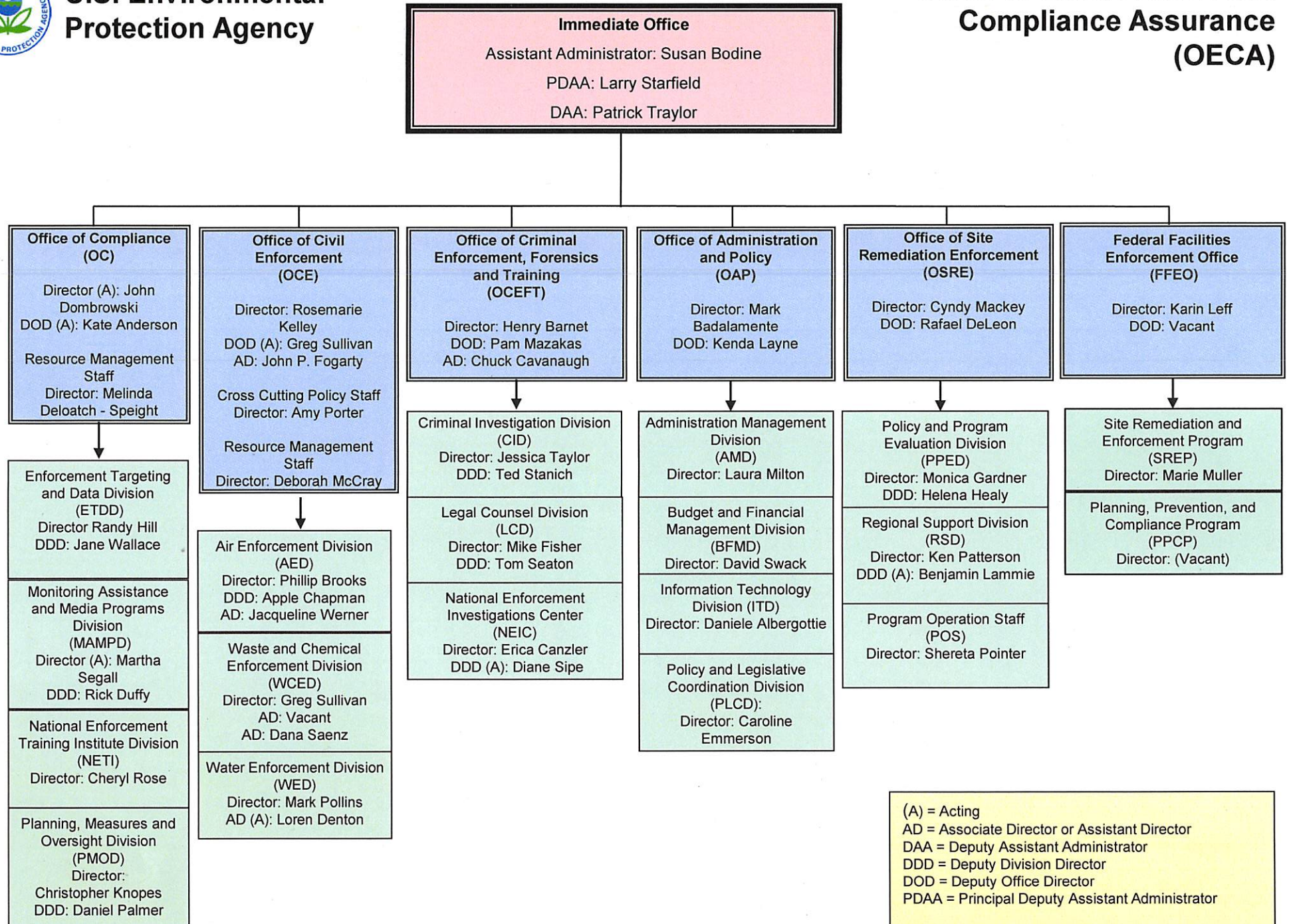
Andrew R. Wheeler
Acting Administrator

Enclosures



U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance (OECA)



Revised September 21, 2018

(b) (6)

Karin I. Koslow

office:

(b) (6)

U.S. EPA, Office of General Counsel, Washington D.C.
Deputy Associate General Counsel (GS-15), Cross-Cutting Issues Law Office July 2016 – present

- Supervise diverse workforce of 15 attorneys, including three managers and one administrative professional, to ensure delivery of excellent, timely legal counsel to the Agency. Manage day-to-day operations of the Office and the annual operating budget.
- Provide expert legal advice to Agency decision-makers in the context of litigation, settlement, development and interpretation of regulations; evaluate potential impacts of legislative proposals and Executive Orders; and counsel on legal considerations related to EPA programmatic decisions.
- Collaborate with U.S. DOJ on litigation, and work closely with other Federal agency officials on legal matters of mutual interest.

U.S. EPA, Office of Enforcement and Compliance Assurance, Washington D.C.

Acting Deputy Office Director (SES), Office of Compliance
October 2015 – June 2016

- Led diverse workforce of over 120 scientists, engineers, attorneys, IT specialists and analysts in implementing the Agency's compliance assurance program. Included oversight of inspector workforce and development of EPA's National Enforcement Initiatives for FY 2017 - 2019.
- Managed \$66 million budget; directly managed six month hiring surge to recruit 20 new employees across the Office, exceeding diversity goals.
- Successfully led collaborative process with 20 managers to define Office core values. Implemented tangible and meaningful operational changes to create a work environment that clearly reflected the core values, empowering staff and elevating morale.
- Established team of experts in the aftermath of the emergency situation of lead-contaminated drinking water in Flint, Michigan. Oversaw development of proposals for improvements in data availability, enforcement response, and state oversight to prevent future similar incidents.

U.S. EPA, Office of International and Tribal Affairs, Washington,

D.C.

*Deputy Director (GS-15), American Indian Environmental Office
2011 -2016*

- Established strategic direction and priorities for EPA's national tribal program; routinely coordinated with EPA's national senior leadership team and led development of national policies to advance EPA's priorities in Indian country.
 - Provided program management direction to nearly 100 regional tribal staff and directly supervised 18 Headquarter staff; assessed resource needs for the program based on organizational goals, ensured efficient use of resources, and implemented cost-saving measures.
 - Oversaw \$68 million grant program for over 500 tribal governments; represented the Agency in discussions with Congressional staff, Office of Management and Budget, the General Accounting Office, Office of Inspector General and others about the grant program.
 - Served as lead career-level manager working directly with political White House staff on the Administration's tribal priorities including: treaty rights; climate change; increased coordination across federal tribal program budgets; and infrastructure needs in Indian country.
- Agency National Honor Award, Silver Medal for superior service as a member of the Wind River Reservation Clean Air Act Treatment as a State Team (2014).

U.S. EPA, Office of Enforcement and Compliance Assurance (OECA),
Washington D.C.

*Senior Attorney (GS-15), Chemical Risk and Reporting Enforcement
Branch*

*Waste and Chemical Enforcement Division
Office of Civil Enforcement (OCE), OECA
2010 - 2011*

- Resolved civil administrative cases under the Toxic Substances and Control Act (TSCA) and the Emergency Planning and Community Right to Know Act (EPCRA) through settlement and administrative hearing.
 - Developed national enforcement policies and guidance for identifying nationally significant TSCA and EPCRA violations. Advised EPA Regional attorneys on nationally significant issues.
- Bronze Medal for work on precedential TSCA enforcement case (2011).

*Acting Director (GS-15), Compliance Assistance & Sector Programs
Division*

*Office of Compliance (OC), OECA
2009 -2010*

- Represented EPA in collaborative initiatives with states, tribal governments and small business assistance providers to improve delivery of compliance information to the regulated community.
- Developed five-year national funding strategy to maintain web-based National Compliance Assistance Centers, successfully securing five million dollars despite declining federal budgets.
- Established and managed national compliance program priorities under Resource Conservation and Recovery Act (RCRA), Safe Drinking Water Act (SDWA), Oil Pollution Act (OPA) and TSCA; analyzed emerging areas of non-compliance and built inspector workforce capacity to address such non-compliance.
- Provided national leadership and program direction for the compliance assistance, inspection, enforcement, environmental justice policy, legislation, and program implementation work that affected Indian country across all environmental statutes.
 - Agency National Honor Award, Gold Medal for leading national enforcement initiative to bring 72 Bureau of Indian Affairs schools into compliance with environmental laws (2011).

*Associate Director (GS-15), Compliance Assistance & Sector Programs
Division*

*Office of Compliance (OC), OECA
2005 -2009*

- First line supervisor for staff of 24, including Branch Chiefs, attorneys, engineers, environmental protection specialists, and support staff; National Program Manager for approximately 100 regional staff in the compliance assistance program.
- Lead OC manager for two OECA National Enforcement Priorities (Mining and Mineral Processing and Indian Country); established annual goals, developed implementation strategies and collaborated with Regional managers and external stakeholders to implement.
- OC manager for RCRA compliance assistance and monitoring program; coordinated strategies and initiatives with the Office of Civil Enforcement to address issues of national significance.
- Established and led national workgroup to improve outreach, coordination and marketing of EPA's compliance assistance resources. Activities included developing strong networks with state agencies, small business assistance providers, trade associations, and other EPA offices.

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- Agency National Honor Award: *Exemplary Leadership in National Equal Employment Opportunities (2006)*

Chief (GS-15), Policy and Guidance Branch

Policy, Planning and Evaluation Division

Office of Site Remediation Enforcement (OSRE), OECA

2002

-2005

- First line supervisor of 15 staff of attorneys, environmental specialists, support staff and interns.
- Developed national enforcement policy and guidance documents for RCRA, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and OPA.
- Co-led national management advisory group to develop and implement a national strategy to improve use of institutional controls at approximately 900 Superfund sites.

- *Recipient of OECA Manager of the Year Award (2004).*

Special Assistant to OECA Acting Assistant Administrator (AA)

2001-2002

- Analyzed complex legal and policy issues in consent decrees, enforcement memoranda and policy documents for AA signature.
- Developed materials for AA meetings with members of Congress, EPA Administrator's Congressional testimony, and Executive correspondence.

Attorney-Advisor, Policy and Guidance Branch

Policy, Planning and Evaluation Division

Office of Site Remediation and Enforcement (OSRE), OECA

***1998 -
2001***

- Drafted CERCLA and RCRA corrective action enforcement policies and regulations; advised Regional attorneys on implementation matters.
- Lead staff attorney for Superfund Reauthorization initiative. Analyzed proposed legislation, drafted alternative statutory language, provided technical drafting assistance to Congressional staff. Prepared briefing materials and Congressional testimony for EPA Administrator.
- Developed EPA national training materials; instructor for several courses; mentored law clerks.

- *Bronze Medal for Development and Delivery of Performance Support*

Tools (2000)

Oregon Department of Environmental Quality (DEQ), Waste Management and Cleanup Division (WMCD), Portland, OR

Legal Policy Advisor, WMCD

*1997 -
1998*

- Legal Advisor to Director and Division first-line supervisors on State superfund law, RCRA, solid waste, and underground storage tank matters.
- Represented DEQ Director on Governor's Task Force for Sustainability.
- Litigation Liaison with Oregon Department of Justice (DOJ), U.S. EPA and U.S. DOJ: represented Agency in settlement negotiations; managed DEQ settlement teams; advised senior managers on litigation strategy.

Project Coordinator, Cleanup Policy and Program Development Section, WMCD 1995 - 1997

- Established DEQ's policy for, and managed Prospective Purchaser Program.
- Managed Brownfields Team and coordinated with other government agencies to facilitate redevelopment and cleanup projects at contaminated properties.
- Advised senior management on proposed State cleanup rules and policies; developed and implemented state-wide communications and public involvement plan for proposed rules.

U.S. EPA, Office of General Counsel, Solid Waste and Emergency Response Law Office,
Washington D.C.

Full Time Legal Intern, Fall Semester

*September
1994 - December 1994*

Solana Recyclers, Inc., Encinitas, CA

*1990 -
1992*

Public Education Director

EDUCATION

J.D. Northwestern School of Law of Lewis & Clark College, Portland,

OR

1995

*Natural Resources Scholarship & Environmental Law and Natural
Resources Certificate
Co-Founder, Public Interest Law Program*

B.A. University of Wisconsin, School of Journalism, Madison, WI

1990

*Iron Cross Society (Nominated, Inducted, 1990)
Campus Outreach Director, Wisconsin Union Directorate*

CURRENT BAR MEMBERSHIP

Member of Washington DC Bar since 1996